

Special Civil Application no.5359 of 1996

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Coram: (M.R.Calla,J)

Dt: 24-7-96

ORAL ORDER;

Mr. V.B. Gharania for the petitioner.

This Special Civil Application is directed against the order dated 11-7-96 passed by the Transport Manager of Ahmedabad Municipal Transport Service whereby the petitioner has been dismissed.

The learned counsel for the petitioner has inter alia argued that the show cause notice dated 6-6-96 was received by him on 20-6-96 and the petitioner had sent a reply to this show cause notice by Registered Post A.D. on 26-6-96 and the same had been duly received by the Transport Manager as per the acknowledgement due on 28-6-96. The last date for filing the reply to the show cause notice was 3-7-96 and yet the punishment order was passed on 11-7-96 without considering the petitioner's reply dated 26-6-96 to the show cause notice, as has been stated in the body of the impugned order dated 11-7-96 itself. It is stated in para 9 of the petition that the petitioner has already preferred an Appeal against the impugned order dated 11-7-96 and that Appeal was preferred on 16-7-96 and this Special Civil Application was filed on 23-7-96 while the Departmental Appeal is pending. At this stage when the Appeal itself is pending, this Special Civil Application can not be entertained as even otherwise the petitioner may have remedy in accordance with law after the order is passed by the Appellate Authority. This Special Civil application is, therefore, dismissed. It is expected that the Appellate Authority will decide the Departmental Appeal within a reasonable time, preferably within three months. Direct service is permitted.

Dt:24-7-96 (M.R.Calla,J)